

HOW MORTENSEN KILLED J. R. HAY

Crime Which Demanded Extreme
Penalty of the Law.

MURDERED AND BODY BURIED

DEBT OF \$3,800 WAS THE CAUSE
OF THE TRAGEDY.

Peter Mortensen, a native of Utah, was a contractor and builder living in a pretty little home in Forest Dale with his wife and children in 1901. James R. Hay, secretary of the Pacific Lumber company, and his family, consisting of a wife and three children, were neighbors, dwelling about 300 feet away. Mortensen became heavily in debt to the Pacific Lumber company, and the manager began to press him for a settlement. His home was mortgaged, and he was in danger of losing it if he did not pay the money.

At 6 o'clock on the evening of Dec. 16, 1901, Mortensen went to the office of the lumber company and agreed to pay the entire amount of his indebtedness. It was found that he owed \$3,800. Mortensen gave Manager George E. Romney an order on Mr. Andrew Brinken for \$100 to apply on the account, and said he had the balance, \$3,800, in cash at his home. He asked that Hay come to his home that night, bringing a receipt, and he would pay the entire amount in cash.

Hay prepared the receipt, but was told by Manager Romney not to call until the next morning, so as not to keep that amount of money at his home over night. Nevertheless, after his evening meal, Hay put on his overcoat, kissed the children and said to his wife:

Disappearance of Hay.

"I'm going over to Peter's a few minutes to collect some money. I'll be back soon."

He went out, taking with him the signed receipt and a note for \$600, which represented part of the indebtedness. His wife and children never again saw him alive.

Hay went to the Mortensen home and he and Mortensen went out together. Hay never returned.

About 8 o'clock the next morning Mrs. Hay, alarmed over the absence of her husband, threw a shawl over her head, went across to the Mortensen home, and called Peter to the door.

"Where is James?" she asked, in great anxiety.

"Why, isn't he home?" asked Mortensen.

"No, he hasn't been home since he went over to your house."

"Well," said Mortensen, "he's gone up to Ernest's."

The "Ernest" referred to Manager Romney of the lumber company.

"Has he the money?" inquired Mrs. Hay.

"Yes," said Mortensen.

"Oh, I wouldn't worry," he added. He stopped over with Ernest, and I supposed the last he saw of him was when he was staying with the folks."

Suspicion Thrown on Hay.

The next day Mortensen told a number of persons that he had paid Hay the money. He related that they had sat together on a settee, that he had counted out \$3,800 in gold, that Hay had then delivered him the receipt and note, put part of the money in a sack and the rest in his pockets, and then had left him to take the money uptown to George E. Romney.

Mortensen told some persons that he kept this money in three glass fruit jars in his cellar. To another witness he said that he had two glass fruit jars full of money, and to others he said he kept it partly in a sack and partly loose on the east wall of his cellar. Later, one of the fruit jars was brought into court and \$3,800 in \$20 gold pieces put into it. The jar was filled only within an inch and a half from the top.

Hay was accused of embezzlement by some of the newspapers, and was advertised as an absconder. The Herald, however, advanced the facts leading to the suspicion that murder had been done.

Hay's Body Is Found.

Dec. 18, the second day after Hay's visit to Mortensen's home, Frank Torgensen, a boy, while chasing horses in a field near East Street and the Park City branch of the Rio Grande Western, came upon a freshly-made grave. The boy notified some of the people living in the neighborhood that Mortensen was one of the men who dug into the earth and exhumed the body of Hay. With hands crossed on the breast, the body lay there, the face staring upward. Mortensen looked at it coolly, and expressed sorrow.

Mortensen was arrested and his house searched at the suggestion of F. C. Goodfellow, assistant city attorney, at that time, who was on the ground. All efforts to force an admission from Mortensen failed.

Bit by bit the evidence was worked up. Dec. 23, two days before Christmas, Mortensen appeared in court for preliminary hearing, and Jan. 25 he was held to the district court. May 5, the year the case was called for trial before Judge C. W. Morse.

Preparing for the Trial.

District Attorney Dennis C. Eichnor prosecuted and Stewart & Stewart conducted the defense. A jury was not secured until May 28. During the intervening period 1,000 talesmen were examined, nearly all being excused because of a fixed opinion as to the guilt or innocence of the accused.

The state presented witnesses to show the circumstances under which Hay visited Mortensen's house the fatal evening. Shortly after he was arrested he made a statement as to where he had received the money he was to pay over to Hay. It was demonstrated that all this money except \$688 had been paid out prior to Dec. 16.

When the house was searched after the arrest \$370 in gold was found and \$288 in the form of a check. Charles F. Watkins, brother-in-law of the accused man, testified that Mortensen had asked him to swear falsely to paying over a considerable sum of money to account for Mortensen's having the \$3,800. It was brought out that the note which Mortensen exhibited with the receipt had not been received or cancelled as customary. Practically all of Mortensen's explanations were shown to be false.

John Allen, a motorman, swore that he saw Mortensen shortly after 10 o'clock the night of the murder carrying a shovel and leaving the vicinity of the grave.

James Sharp's Revelation.

The testimony which attracted most attention was given by James Sharp, Mrs. Hay's father. He declared he had had a revelation from God telling of Mortensen's guilt. Mr. Sharp related how he had been to Mortensen's house Dec. 17, the day before Hay's body was found, and had pressed Mortensen to tell where he had last seen Hay.

"Finally Peter Mortensen came down the steps and indicated the spot where he had last seen my son," said Mr. Sharp, with great intensity. "Then I turned to him and said, 'Peter Mortensen, if that is the last place you saw my living son, that is the place he was killed.'"

After viewing the cellar and other parts of the premises, said Mr. Sharp, he again had Mortensen point out the spot where he had last seen Hay.

"He did so," said Mr. Sharp, "and

then I looked him in the face and said: 'Peter Mortensen, there is where you killed James R. Hay.' Mortensen spoke up. 'How do you know he's dead?' he asked. And I said to him: 'The proof will be that his dead body will be dug up within twenty-four hours, within a mile of here, in one of these fields.'"

Mortensen made no response to these and other accusations.

When Body Was Dug Up.

The events of Wednesday, the day Hay's body was found, were then probed into by the district attorney while Mr. Sharp was on the witness stand. He told of standing over the remains of his dead son-in-law on the wagon, with Hendry's store, while Mortensen stood near by, and expressing his feelings.

"I saw his face," said Mr. Sharp, "covered with streaks of blood, and I exclaimed:

"That's my dead boy. I addressed him as 'Jimmy, my poor Jimmy.' Then I said:

"You never ran away. He murdered you for a receipt on your body representing \$3,800. You never ran away. He never gave you a dollar."

While Mr. Sharp was uttering those words Mortensen hung his head, looking at the ground.

On cross-examination, when asked how he knew that Hay's body would be found the next day in a field, Mr. Sharp said:

Message From God.

"God revealed it to me."

"Where in that yard," meaning at the time when Mortensen pointed out to him from his doorway where he had last seen Hay the night before he disappeared.

"How did he reveal it to you?"

"He told me by the utterances of my mouth."

"In what manner did he tell you?"

"He told me, as proof to Peter Mortensen, he had killed my son, he was the man that killed him, his dead body would be dug up within twenty-four hours, within a mile of that place, buried in one of these fields."

When asked how God appeared to him, whether it was in person, Mr. Sharp said he appeared to him by the power of his spirit. He said he did not see the Holy Ghost, but felt his presence by his spirit. When asked if that was the only reason he had for believing that Mortensen killed his son, Mr. Sharp said:

Vision of Trail of Blood.

"The words came out of my mouth, sir, and I could not stop them. And I will not deny that they were God's words, neither here nor anywhere else. I will not deny them when I meet God in the next world."

When asked if he had had any other manifestations in the case, Mr. Sharp said:

On Tuesday, at noon, I saw in a vision the trail of blood leading across the track to the grave."

The remainder of Mr. Sharp's testimony had more to do with revelations, but not directly affecting the case on trial.

On June 14, 1902, the jury brought in a verdict of guilty of murder in the first degree. Five days later a motion for a new trial was filed, which was overruled on Aug. 27. On Sept. 2, Mortensen was sentenced to be shot on Oct. 17. On the following day, Sept. 3, he was taken to the state prison to await judgment of the state supreme court on appeal. On Aug. 13, a judgment of the lower court was affirmed, and Oct. 15 his petition for a rehearing was denied. On Oct. 3 he was resented to be executed on Nov. 20.

Commutation Is Denied.

Nov. 14 the state board of pardons met in special session to consider the application for a commutation of sentence to life imprisonment, which was denied. Then followed a petition to the state supreme court asking for a sentence in the second degree, which was denied Nov. 19. The state board of pardons filed with the governor a request to be permitted to appear before the board this morning before the hour set for the execution and make a statement as to where he got the \$3,800 which he said he gave Hay.

The governor refused to call the board together again, but he visited the condemned man in his cell and listened to his explanation. He could see no reason for granting a reprieve, and refused the condemned man's request.

CHINAMEN KILLED
IN A PLACER MINE

Redding, Cal., Nov. 20.—Gim Sing, a wealthy Chinese mine owner, was killed yesterday by a cave-in at one of the mines owned by him in El Dorado county. One of Sing's laborers was killed at the same time, and another laborer was caught and held by the debris, but was not seriously injured. A third laborer started on horseback this morning to Lewistown, distant 100 miles, to telephone to Weaverville for the corner of a physician. En route his horse slipped on the trail and rolled sixty feet down the mountain side, crippling the rider.

Visiting his brother-in-law, Jim Threlkeld, on his way to Lewistown, Thursday morning and desired the cure to Lewistown, distant 100 miles, to telephone to Weaverville for the corner of a physician. En route his horse slipped on the trail and rolled sixty feet down the mountain side, crippling the rider.

GUILTY OF MANSLAUGHTER.

Verdict Agreed Upon in Montana Murder Case.

(Special to The Herald.)

Dillon, Mont., Nov. 20.—George Pollock, who killed Martin at Egan's on the night of last St. Patrick's day during a quarrel over a drink of whisky, was found guilty of manslaughter here today after the jury had been out six hours. Self-defense was the plea of the prisoner, who made a strong case in his own behalf. An acquittal was not unexpected, but the jury's verdict was a surprise. The men were alone at the time of the shooting and the evidence was all circumstantial. The judge will pass sentence Monday morning.

To Cure a Cold in One Day

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

\$44.50 CHICAGO AND RETURN

Via Oregon Short Line.

Nov. 21 to 23, inclusive. Tickets good for return until Dec. 7. Proportionately low rates from other Short Line points. See agents for particulars.

Order Now.

We are now taking orders for Thanksgiving turkeys—all fine native birds. Raddon & Williams, Wholesale and Retail Butchers, 17 East Third South. Telephone 123. Try our all-pork sausage.

Perhaps the best game of football that the people will be privileged to witness this year will be the game between a picked team of the former students of the university and the present Varsity team. This game is to be played on Saturday, the 21st, at 3 o'clock at the university campus.

John Farrington, liveryman, Carriages and Light Livery. No street hacks. Phone 272.

BODY IS BURIED IN PRISON YARD

No Prayers Made For Soul of
Peter Mortensen.

CONVICTS DIG THE GRAVE

INTERMENT IN THE CEMETERY
AT OGDEN IS REFUSED.

Without prayer or requiem, and in the presence only of his two brothers and of guards and convicts, all that was mortal of Peter Mortensen was interred in the ground reserved for the felon dead at the Utah penitentiary.

As the stolid men in stripes threw the clods on the pine box that encased the remains, not even so much as a muttered appeal to the Most High was uttered on behalf of the soul of the awakened life sudden synopsized, although the retribution of the law.

No priest or minister walked with the condemned man to the chair of death; no priest or minister stood beside the shallow grave when the coffin was cast into its last resting place; no chant or hymn softened the tense atmosphere, and no fervent voice of supplication was heard from the colored sky as the fast scene in the tragedy of Peter Mortensen was enacted.

Brothers at the Grave.

Tears there were—the tears of brothers, who stood, red-eyed and trembling, beside the grave; the tears of others, awakened in sudden sympathy, although their interest in the solemn scene was but that of men engaged in a painful duty.

Public cemeteries other than the Pottery field denied sepulchre to the body of the man who died for the murder of James R. Hay. Mortensen's wish was that he be buried in Ogden near the home of the father to whom he was denied the solace of saying farewell. This was also the wish of his father and brothers.

But the authorities at Ogden protested and, at the last moment, an interment at the penitentiary was arranged. The elder Mortensen was not present at the final scene.

Aside from the officers of the prison and the convicts whose labor was necessary, the only ones who were at the grave were Henry and David Mortensen, brothers of the dead man, and Thomas Thomas, a friend of the family.

Funeral of the Dead.

After the execution the body was removed to the prison chapel, where it lay until 3:15 p. m. About 3 o'clock a hearse, drawn by horses whose color matched the dull gray of the sky, entered the penitentiary enclosure and drew up in front of the warden's office. About the same time Mortensen's brothers arrived. A short consoling prayer was held with Acting Warden Wright and then Joseph E. Taylor, the undertaker, asked that guards be detailed to act as pallbearers.

This grim duty fell to John Stowe, the prison clerk, and Guards David Hilton, Andrew Ure and Fred Schueze. Dr. A. C. Young, who was present as a physician on duty, also accompanied the party into the chapel where the brothers of the executed man were given an opportunity to take their last look at his face. For a few moments the body was taken outside the walls and placed in the hearse.

Four men in stripes were sent by the acting warden to prepare the grave and in the meantime the hearse stood on the hillside overlooking the penitentiary barn. A delay of twenty minutes ensued. Then Mr. Wright gave the signal and the movement to the prison cemetery began. No one but the guards was permitted to accompany the little cortege that traversed the road to the grave.

Was a Simple Interment.

The scene at the burial was simplicity itself. The body was inspected by Henry and Dave Mortensen, and then the command to lower the body was given, after the coffin had been placed in the outer cover. For a few moments the small party stood with bowed heads, looking down into the grave.

"Cover him up,"

the words came in a choking voice from Dave Mortensen. And then, as the convicts threw the moist, fresh earth over the body, the brothers sobbed and wept as if their hearts were torn by the obviously strong efforts they put forth to control their emotion.

Soon the last sod had been replaced and a fresh mound of earth stood over where had been buried the remains of Peter Mortensen.

Then the brothers left the prison and took their way downtown to the body in Echo canyon, where it was found some time later, partially devoured by vultures. Four times was Wellcome tried, his case costing the state \$25,000. Two of his cases were taken to the United States supreme court, being reversed both times on a technicality.

Danced in His Bloody Clothes.

Shortly before the murder was committed, Wellcome worked for the sheriff, who gave him money to go to Park City, where he was to meet the sheriff's son and killed him. With his clothes bespattered with his victim's blood, Wellcome danced that evening, leaving the next day with another man for Wyoming. They took Turner's body as far as Echo canyon, and buried it in a tent, where it was afterwards found. Jack Emerson, alias John McCord, Wellcome's partner in crime, was captured with him in Wyoming by Sheriff Turner. The latter would have killed Wellcome at the time he had not officers interfered.

Wellcome got a death sentence, and Emerson was sent up for life. After serving five years he was pardoned by Governor Murray.

The only regret Wellcome made after he realized that he must die was that Sheriff Turner be not permitted to witness the execution. The morning he was led out to die he gave his death watch a quantity of morphine, saying that he returned it to show that he could have killed himself had he thought Sheriff Turner was to be present. Wellcome was 28 years of age when he was executed. The crime was committed when he was 22.

Intoxicated When Executed.

Enoch Davis was drunk when he was executed. His two sons were present at the time, and were jeered at and reviled by their father. He refused to ride to the scene of the execution in the conveyance provided by the state, preferring to ride seated on his coffin in the wagon in which it was placed. He met death Sept. 14, 1884. He was convicted of killing his wife by cutting her throat, and burying her body in a potato field. The grave was in the rear of his home.

The next man to die was Charles Thiede, a Dutch bartender of Murray, who was the only man hanged in the state. He died of strangulation. The execution took place in the jail yard at this city on Aug. 7, 1896. The gallows was a poorly constructed affair, the man being choked to death in consequence.

Thiede was the first man executed after Utah was admitted to the Union. The second was "Patsy" Coughlan, aged 22, who was shot to death on Dec. 7, 1895. The crime which he committed was complicity in the shooting of Deputy Sheriffs Davies and Stogby

Game of Authors.

(United Presbyterian.)

The oldest author—Adams.

The youngest author—Lincoln.

The domestic author—Holmes.

The greedy author—Hogg.

The woodland author—Jewell.

The cunning author—Fox.

The poetical author—Pope.

The evasive author—Dodge.

The precocious author—Chapman.

NINE EXECUTIONS IN UTAH'S HISTORY

The First Two Occurred Back in
the Early '60's.

ONLY ONE WAS HANGED

OTHER EIGHT ELECTED TO BE
SHOT TO DEATH.

Many murders have been committed in Utah since it was made a territory on Sept. 9, 1850, by President Millard Fillmore, but in spite of that fact only nine men have legally expiated their crimes at the hands of the authorities. Eight of the men were shot to death and one was hanged. The latter execution was a very bungling affair, the prisoner being choked, dying a frightful death. In the other instances, where a life was used, death was instantaneous.

The first legal execution in the territory occurred in the early '60s, when "Jace" Luce and John Ferguson were put to death. Luce was the first of the two to be shot. He stabbed a man to death on Main street in front of what is now the Progress block. The trouble between them grew out of a drunken quarrel. The execution, which occurred in the courthouse square, attracted a large crowd. Just before Luce was executed, when asked if he had anything to say, he said he had a chew of tobacco, which was given him.

The details of Ferguson's crime are unknown, those who were in Salt Lake City at the time not being able to remember the facts in the case. He was shot through the heart at a point just outside the old city wall north of the city cemetery. He was 35 years of age.

John D. Lee Came Third.

John D. Lee, of Mountain Meadow massacre, and at the last moment, an interment at the penitentiary was arranged. The elder Mortensen was not present at the final scene.

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The groaning author—Paine.

The dangerous author—Wolfe.

In Rich county, and arose over the theft of a box of strawberries in this city. His accomplice in the stealing and the shooting was Fred George, now serving a life sentence, and who now seeks a pardon.

After stealing the berries the men fled to Park City. An attempt to arrest them there led to a running fight through a number of counties, the killing taking place in Tooele county.

Mortensen ends the list, expiating his crime yesterday morning for the murder of James R. Hay. The murder was committed on the night of Dec. 16, 1901.

Yankee Diplomacy.

(Chicago Inter-Ocean.)

An amusing story is told of a Maine farmer who had gone to law with a neighbor. In conversation with